

- |    |                            |                               |
|----|----------------------------|-------------------------------|
| c. | 2, 4, 6, 10 and 12         | Japanese Patent 09249844;     |
| d. | 2, 4, 6, 10, 12, 14 and 21 | Japanese Patent 10077438; and |
| e. | 2, 6, and 10               | Japanese Patent 8151547; and  |

5. Rejected the following claims as being obvious under 35 U.S.C §103 over the following respective references:

- |    |                                    |  |
|----|------------------------------------|--|
| a. | 8                                  | Japanese Patent 100774388<br>in view of Miyashita et al. (U.S. Patent 5,474,603);  |
| b. | 14                                 | Kanbayashi et al. (U.S. Patent 6,083,311); or<br>Miyashita et al. (U.S. Patent 5,474,603) or<br>Japanese Patent 09249844<br>in view of Okuda et al. (U.S. Patent 5,510,397); |
| c. | 1, 5 and 7                         | Japanese Patent 7118592<br>in view of either Babler (U.S. Patent 5,554,217) or Sullivan (U.S. Patent 5,753,371);   |
| d. | 1, 3, 5, 7, 9, 11,<br>15-18 and 20 | Kubota et al. (U.S. Patent 6,039,796)<br>in view of Babler (U.S. Patent 6,063,182);  |
| e. | 13 and 21                          | Kubota et al. (U.S. Patent 6,039,796)<br>in view of Babler (U.S. Patent 6,063,182)<br>in further view of Whymuzis (U.S. Patent 5,714,526); and                               |
| f. | 19                                 | Kubota et al. (U.S. Patent 6,039,796)<br>in view of Babler (U.S. Patent 6,063,182)<br>in further view of Morita et al (U.S. Patent 6,099,629).                               |

### **THE CLAIMED INVENTION**

The present invention relates to an aqueous glittering ink composition that can be suitably used for writing tools, printing inks, fields pertaining to coatings, cosmetics, and the like. The claimed invention of the present application relates to an aqueous glittering ink composition that has a glittering feeling, i.e., that glitters. The inks of the present invention provide marks, such as handwriting or coated films, that have a strong glittering

appearance and a 3-dimensional, or spatial, effect when they are viewed. Webster's Third New International Dictionary (unabridged) (1971) defines "glittering" at page 965 as follows:

Glittering *adj*-1: that glitters: a: RE-SPLENDENT, BRILLIANT b: SPARKLING, TWINKLING c: shining glassily with a play of shifting points of intense light d: SHOWY, GAUDY. 2a: brilliantly or compellingly attractive usu. in a superficial way b: superficially convincing in a smoothly misleading or deceptive way: misleadingly or deceptively appealing. (quotations omitted.)

It defines "glitter" at page 965 as follows:

Glitter *vi* 1: to shine resplendently usu. by reflection with many quick small flashes of brilliant light or with a hard bright often metallic luster made up of points of light or with a dazzling brilliance marked by stabbing rays of light and often with a showy or gaudy effect: sparkle with twinkling points of light: shine with a hard cold glassy brilliance marked by quick intermittent rapidly successive points of intense light 2: to be brilliantly or compellingly attractive usu. in a superficial way: make a brilliant appearance or impression *vt* 1: to cause to glitter 2: to trim, sprinkle or cover with something that glitters.

Glitter- 1a: glittering brilliancy: glittering showiness or gaudiness: glittering brightness b: glittering attractiveness 2: small glittering objects or tiny glittering bits used for ornamentation or decoration. (quotations omitted.)

Applicant has discovered that this glittering feeling is provided by a glass flake pigment (see claims 1, 3, 5, 7, 9, 11, 13, 15-20) or a metal coated inorganic pigment (see claims 2, 4, 6, 8, 10, 12 and 14.)

### **RESPONSE TO THE REJECTIONS**

#### **1. THE SECTION 112, SECOND PARAGRAPH REJECTION**

Claim 18 has been amended as follows:

An aqueous glittering composition as set forth in claim 16, wherein the content of the glass flake pigment is 0.01 – 40% by weight, the water-soluble [thickening] resin is 0.01 – 10% by weight and the water-soluble organic solvent is 1-40% by weight, relative to the total amount of the ink composition.

The term "thickening" has been deleted from the phrase "the water-soluble thickening resin" in line 3 of claim 18.

2. **THE SECTION 102 REJECTIONS.**

Each of the citations asserted to anticipate the claimed invention fails to produce the glittering feeling of the claimed invention – "to shine resplendently ... [usually] by reflection with many quick small flashes of brilliant light ... or with a hard bright often metallic luster made up of many small scattered rapidly appearing and disappearing points of light .... or with a dazzling brilliance marked by stabbing rays of light ... sparkle with twinkling points of light .... shine with a hard cold glassy brilliance marked by quick intermittent rapidly successive points of intense light ... ." (Emphasis supplied.)

A. Paragraph 4 - Claims 2, 4, 6, 8, 10 and 12 As Being Anticipated by Kanbayashi et al. (U.S. Patent 6,083,311).

The Examiner asserts, *inter alia*, " Kanbayashi et al. disclose a water-based metallic ink comprising 1-20 wt % metallic pigment..." (emphasis supplied) citing to column 2, lines 42-51; column 3, lines 1-37; column 4, lines 25-32; column 5, lines 23-36 and 45-47; and column 9, line 53.

Kanbayashi et al. discloses aqueous metallic inks including metallic pigments. However, the metallic pigments disclosed by Kanbayashi et al. are pigments with colored pigments deposited on metallic powers (Column 2: lines 45 to 47). Therefore, in the colored metallic pigments of Kanbayashi et al. colored pigments coated on metallic surface, and those colored pigments, not a metallic surface are exposed on the pigment surface. Therefore, in the metallic colored pigments by Kanbayashi et al., the metal does not have a glittering feeling and the written mark would have only a metallic hued with the inner metal color added to the pigment color of the colored pigment. On the contrary, the pigment surface of the present invention is a smooth metallic surface and this metal has glittering feeling like stardust in written marks.

Therefore, the glittering pigments cited in the claims 2, 4, 6, 8, 10, and 12 of the present invention are not identical to the metallic pigment of Kanbayashi et al. The inks of claims 2, 4, 6, 8, 10 and 12 of the present invention are glittering inks having a glittering feeling and that has not previously been provided; whereas, the ink of Kanbayashi et al. is nothing but a metallic-hued ink that gives metallic color to the written mark and has conventionally been provided.

This difference between glittering on the one hand and metallic hue or color on the other is fundamental.

B. Paragraph 5 – Claims 2, 4, 6, 8 and 12 As Being Anticipated by Miyashita et al. (U.S. 5,474,603).

The Examiner asserts *inter alia*, "Miyashita et al. disclose an aqueous metallic ink comprising 3-15 wt. % aluminum powder pigment, ..." (emphasis supplied) citing to column 3, lines 1-4 and 22-35 and 45-48 and column 4, lines 15, 28, 42-65.

"[T]he aluminum powder is used as a pigment for imparting a metallic gloss to a writing in the present invention. A flaky aluminum powder is particularly desirable, since it realizes a clearer metallic gloss." (Column 3, lines 1-4.)

Miyashita et al. describes "aluminum powder pigments." However, these aluminum powder pigments of Miyashita et al. are nothing but aluminum powder pigments for preparing the metallic-hued ink described as prior art in the specification of the present invention and distinguished from the present invention. Metallic ink is an ink that gives a metallic color to a written mark as in the ink of Kanbayashi et al. (column 3: lines 1-4) cited above.

Therefore, since the inks of the claims 2, 4, 6, 8, 10, and 12 of the present invention are a glittering ink having a glittering feeling in a written mark, it is fundamentally different from the metallic-hued ink of Miyashita et al. that merely gives metallic color to a written mark. As for the difference between this metallic ink and a glittering ink, while the former only gives the silver color tone of the aluminum powder to a written mark, the glittering ink of the present invention gives a glitter like stardust to a written mark.

As clearly seen by the description of Miyashita et al. stating that "for example, in order to obtain a colored metallic writing, the aluminum powder can be used in combination with a water-soluble dye as another colorant such as a conventional acid

dye.” (Emphasis supplied) (Column 4: lines 45 to 48). the aluminum powder pigments of Miyashita et al. make a written mark that is a colored metallic hue and it does not disclose a glittering ink that provides a glittering feeling like stardust. The ink cited in claims 2, 4, 6, 8, 10, and 12 of the present invention is a glittering ink forming a written mark with a glittering feeling like stardust. Therefore, it should be considered that the ink of the present invention is different from the “metallic ink” of Miyashita et al. that gives only a metallic color to a written mark.

C. Paragraph 6 – claims 2, 4, 6, 10 and 12 As Being Anticipated by Japanese Patent Publication 09249844.

The Examiner asserts that “pending translation of the Japanese reference, it is noted that the reference discloses a water-based metallic ink which comprises 1-10 wt.% aluminum powder pigment...” (emphasis supplied). Japanese Patent Publication 09249844 discloses “Solution: As essential components contains (A) an aluminum powder pigment...” (Abstract, line 24.)

Like the aluminum powder pigments disclosed by Miyashita et al. the aluminum powder pigments disclosed by JP 09249844 are aluminum powder pigments that form a written mark with a metallic color tone. In column 2, lines 20 to 24, JP 09249844 describes the aluminum powder pigments to be used stating that “as the ink to be used alone and give silver color to a written mark, a leafing type is preferable, and as the ink used with a coloring pigment and give colored metallic tone to a written mark, a non-leafing type is easier to be mixed with the colored pigment ... .” (Emphasis supplied). This description of “silver color to a written mark” or “colored metallic tone” shows that

the aluminum powder pigments disclosed by JP 092844 are different from the pigments set forth in claims 2, 4, 6, 8, 10 and 12 of the present invention.

Therefore, the metal coated inorganic pigments recited in the claims 2, 4, 6, 8, 10 and 12 of the present invention are not identical to the metallic pigment of JP 09249844. The inks of the claims 2, 4, 6, 8, 10 and 12 of the present invention are a glittering ink having a glittering feeling that has not previously been provided; whereas the ink of JP 09249844 is nothing but a metallic ink that gives metallic color to the written mark and has been previously conventionally provided.

Therefore, the ink disclosed by JP 09249844, like the ink of Miyashita et al. is not "a glittering ink" as set forth in claims 2, 4, 6, 8, 10 and 12 of the present invention that has a glitter like stardust.

D. Paragraph 7 – Claims 2, 4, 6, 10, 12, 14 and 21 As Being Anticipated by Japanese Patent Publication 10079438.

The Examiner asserts "pending translation of the Japanese reference, it is noted that the reference discloses a water-based metallic gloss ink comprising 1-10 wt % pearl pigment, ... 0.1-5 wt % aluminum powder pigment," (emphasis supplied). Japanese Patent 10077438 discloses "aluminum dust pigment" (Abstract, line 31.)

Like the aluminum powder pigments disclosed by Miyashita et al. and JP 09249844, the aluminum powder pigments disclosed by JP 10077438 are different from those set forth in claims 2, 4, 6, 8, 10, and 12 of the present invention. The aluminum powder pigments disclosed by JP 10077438 are aluminum powder pigments that form a written mark with a metallic hue or color.

Therefore, the pigments set forth in the claims 2, 4, 6, 10, 12, 14, and 21 in the present invention are not the same type as the metal pigment of JP10077438. The inks of claims 2, 4, 6, 10, 12, 14 and 21 of the present invention are glittering inks having a glittering feeling and that have not previously been provided; whereas the ink of JP10077438 is nothing but a metallic-hued ink that gives metallic color to the written mark and has been conventionally provided before.

E. Paragraph 8 – Claims 2, 6, and 10 As Being Anticipated by Japanese Patent Publication 8151547.

The Examiner asserts “pending translation of the Japanese reference, it is noted that the reference discloses a water-based metallic glittering ink comprising...1-30 wt % aluminum powder pigment ...” (emphasis supplied). Japanese patent Publication 8151547 discloses “aluminum powder.” (Abstract, line 14.)

The glittering pigments set forth in claims 2, 4, 6, 10, 12, 14, and 21 of the present invention are not the same type as the metallic pigments of JP 8151547. The inks of claims 2, 4, 6, 8, 10, and 12 of the present invention are glittering inks having a glittering feeling that has not previously been provided. The ink of JP 8151547 is nothing but a metallic-hued colored ink that gives metallic color to a written mark and has been conventionally provided before.

Therefore, JP 8151547 does not disclose “a glittering ink” as set forth in the claims 2, 4, 6, 10, 12, 14, and 21.



3. **THE SECTION 103 REJECTIONS.**

The citations asserted fail to disclose, suggest or express an inclination to provide the glittering feeling of the present invention, that is the "many quick small flashes of brilliant light," the "twinkling points of light", the "quick intermittent rapidly successive points of intense light" provided by the present invention.

A. Paragraph 11 – Claim 8 As Being Obvious Over Japanese Patent Publication 10077438 in View of Miyashita et al. (U.S. Patent 5,474,603).

The Examiner applies Japanese Patent No. 10077438 as indicated in preceding paragraph 2.D. asserting that the difference between its disclosure and the claimed invention of claim 8 is in the average diameter of the metallic pigment (allegedly disclosed in Miyashita et al.)

However, as described above, the aluminum powder pigments disclosed by JP 10079438 and Miyashita et al. (US 5,674,603) are not of the type of pigments set forth in claim 8. However, as described above, the metallic gloss of the writing is the gloss of a written mark that has a metallic color as a whole and is not the pigment set forth in claim 8 of the present invention which gives a glittering feeling like star dust.

Thus, since both JP 10077438 and Miyashita et al. disclose metallic colored inks, the metal pigments used there are for giving a metallic tone to a written mark. On the other hand, the pigments set forth in claim 8 will give a glitter like stardust to a written mark.

Therefore, it is clear that Claim 8 is not obvious.

B. Paragraph 12 – Claim 14 As Being Obvious Over Kanbayashi et al. (U.S. Patent No. 6,083,311), Miyashita et al. (U.S. Patent 5,474,603) or Japanese Patent Publication 0924984 in View of Okuda et al. (U.S. Patent 5,510,397).

The Examiner applies Kanbayashi et al., Miyashita et al. or Japanese Patent 09249844 as indicated in preceding paragraphs 2.A., 2.B. and 2.C., asserting that the difference between the disclosures of these three primary references and the claimed invention of claim 14 is in the opacifying pigment (allegedly disclosed in the secondary reference of Okuda et al.)

Okuda et al. discloses an “opacifying agent [that] should preferably consist of a mixture of the doughnut-shaped flat particles and a white inorganic pigment such as titanium dioxide, zinc oxide or the like” (column 3, lines 52-54) of a specific shape. (“The specific shape of the flat [opacifying] particles contributes to improving the opacifying properties.” (Column 2, lines 55 and 56.)

As described above, Kanbayashi et al. (US 6,083,311), Miyashita et al. (US 5,474,603), and JP 09249844 do not disclose glittering pigments as set forth in claim 12 of the present invention. In addition, the inks disclosed by Kanbayashi et al., (US 6,033,118), Miyashita et al. (US 5,474,603), and JP 09249844 are metallic inks to give a metallic color to a written mark, and they are not the glittering inks that will give a glitter like star dust to a written mark.

Therefore, even though opacifying pigments may be cited in Okuda et al. (US 5,510,397), it is clearly not disclosed in Okuda et al. (US 5,510,397) to further contain opacifying pigments in the present “glittering ink” that contains pigment that will give a glitter like stardust.

C. Paragraph 13 – Claims 1, 5, and 7 As Being Obvious Over Japanese Patent Publication 7118592 in View of Either Babler (U.S. Patent 5,554,217) or Sullivan (U.S. Patent 5,753,371).

The Examiner asserts “pending translation of the Japanese reference [Japanese Patent 7118592], it is noted that the reference discloses a glitter ink comprising 5-20 wt % pearlescent pigment...” (emphasis supplied).

Applicants discuss this citation at page 1, lines 11 through 24 of the present application as follows:

Heretofore, for the purpose of obtaining handwriting with metallic luster such as gold and silver, aqueous ink compositions using glittering pigments have been proposed. For example, Japanese Unexamined Patent Publication No. 7-118592 proposes an aqueous ink composition using an aluminum powder pigment. Japanese Unexamined Patent Publication No. 8-151547 proposes an ink composition using a pearlescent pigment. Japanese Unexamined Patent Publication No. 11-29734 proposes an aqueous metallic ink prepared by coloring an aluminum powder with an organic pigment using a fixing agent. However, in the case of such conventional aqueous ink compositions using glittering pigments such as aluminum powder pigment, pearlescent pigment and the like, it has been difficult to obtain handwritings or coating films with strong glittering feeling and spatial effect.

Babler (U.S. Patent 5,554,217) discloses a stir-in pigment comprised of an inorganic filler pigment and an organic pigment.

The expression “inorganic filler pigment” means a substantially transparent or semitransparent inorganic pigment. For example, mica, kaolin, talc and natural or synthetic silicas, e.g., glass, are well-known inorganic filler pigments that are suitable for use in the pigment compositions of the present invention.

-Column 4, lines 15-21

In general, the inorganic filler pigment has primary pigment particles having, for example, a flaky shape and an average particle size of 1.0  $\mu\text{m}$

to 50  $\mu\text{m}$ , especially from 0.2  $\mu\text{m}$  to 35 $\mu\text{m}$ , in particular from 1.2  $\mu\text{m}$  to 30  $\mu\text{m}$ .

-Column 4, lines 33-36

Sullivan et al. discloses a pearlescent pigment formed by establishing a hydrous layer of titanium and or iron oxides or glass flakes and thereafter calcining the coated flakes.

The glass flakes are made by stretching a molten glass into thin sheets, beads or glass tubes followed by crushing the glass into flakes. The flakes have a size and shape mimicking the mica platelets used in the  $\text{TiO}_2$  and  $\text{Fe}_2\text{O}_3$ -coated mica pearlescent pigments and thus have an average particle size in the range of about 1 to 150 microns and a thickness of about 0.1-10 microns.

-Column 2, lines 33-39

The resulting pigment can be used in any application for which pearlescent pigments have been heretofore used such as, for example, in cosmetics, plastics, inks, and coatings including solvent or waterborne automotive paint systems.

-Column 2, lines 15-19

Japanese Patent 7118592, like Kanbayashi et al (US 6083311), Miyashita et al. (US 4,745,603), and JP 09249844, relates to a metallic ink that gives a metallic tone to a written mark. Therefore in JP 7118592, a motivation to teach a "glittering ink" as set forth in claims 1, 5, and 7 of the present invention that will give a glitter like stardust to a written mark is not disclosed or suggested at al.

Further, the pigments disclosed by Babler et al (US 5,554,217) and Sullivan et al. (US 5,753,371) are fundamentally different from the glass flake pigment set forth in claims 1, 5, and 7 of the present invention.

First, the glass flakes disclosed by Babler et al. (US 5,554,217) are literally "glass flakes". In addition, the glass flakes disclosed by Babler et al. (US. 5,554,217) are cited

as examples of "inorganic filler pigments" and, further, as inorganic filler pigments there is a description that "the expression 'inorganic filler pigments' means a substantially transparent or semitransparent inorganic pigment". (Column 4, lines 15 to 16.)

Therefore, the glass flakes disclosed by Babler et al. (US 5,554,217) are transparent or semitransparent; whereas the glass flakes set forth in claims of the present invention are glass flakes with a metal coating on the surface. The glass flakes set forth in claims of the present invention can give a glittering feeling like star dust to a written mark with the light reflected by a smooth metallic surface coated on this surface. Since the glass flakes disclosed by Babler et al. (US 5,554, 217) are transparent or semitransparent, it is impossible to give a glittering feeling like stardust to a written mark by reflection off a smooth coating.

The glass flakes disclosed by Sullivan et al (US. 5,573,371) are pearlescent metal oxide coated glass flake pigments. In Babler et al. there is a description of metal oxide coated mica as well, and in the glass flakes disclosed by Sullivan et al. (US 5,573,371) or metal oxide coated mica disclosed by Babler et al. the pearlescent color is actually created by the transparency of the glass or mica and by a diffraction of light in the oxide layer which coats the glass flakes or oxide coated mica.

The glass flakes disclosed by Sullivan et al (US 5,753,371) and the glass flake pigments of the present invention are fundamentally different. The glass flakes disclosed by Sullivan et al. (US 5,753,371) are metal oxide-coated glass flake pearlescent pigments, whereas the glass flake pigments of the present invention are coated glass flake pigments. It seems that Sullivan et al. (US 5,753,371) with the aim of preparing conventional

pearlescent pigments with metal oxide coated on the surface of mica by using glass flakes (pearlescent glass flake pigments) made of coating of metal oxide on glass flakes.

Therefore, in the pigments of Sullivan et al., even though the pearlescent color is to be developed, written marks with a glitter cannot be obtained by such pigments. On the other hand, the glass flake pigments of the present invention have such a structure that metal is coated on the surface of the glass flake thereby enabling a written mark with a glitter because light reflects off the smooth metal surface.

The ink of the pearlescent pigments of Sullivan et al. (US 5,753,371) form a written mark with a pearlescent color. In Sullivan et al. (US 5,753,371) there is found a world luster but it indicates pearlescent luster, not a glitter as seen in stardust.

In the pearlescent pigments disclosed by Sullivan et al (US 5,753,371) or Babler et al (US 5,554,217), since metal is not coated on a glass surface, it is difficult to prepare a glittering ink that will realize a glitter in a written mark like star dust, as shown by the glass flakes of claims of the present invention.

In the specification of the present invention, pearlescent pigments have been explained as being poor in glittering feeling.

Again, the inks set forth in the claims of the present invention are "glittering inks" that have not been achieved in the past and that will give a glitter like star dust to a written mark. They are not "metallic inks" conventionally provided that would only give metallic colors, such as gold or silver, to a written mark.

D. Paragraph 14 – claims 1, 3, 5, 7, 9, 11, 15-18 and 20 As Being Obvious Over Kubota et al. (U.S. Patent 6,039,796) in View of Babler (U.S. Patent 6,063,182).

The Examiner asserts that "Kubota et al. disclose an aqueous based ink comprising inorganic pigment, 0.5 -25 wt% colorant, water-soluble solvent, water, 0.5-30 wt% water-soluble resin, and 0.1-40 wt% anionic or nonionic resin emulsion ..."

On the contrary, Kubota et al. discloses

"the ink composition according to the present invention comprises at least a colorant, an inorganic oxide colloid, an alkali metal hydroxide, and an aqueous solvent."

-Column 3, lines 52-54

"The colorant contained in the ink composition of the present invention is a pigment. Inorganic pigments or organic pigments may be used without any particular limitation. Inorganic pigments usable herein include, in addition to titanium oxide and iron oxide, carbon blacks produced by known processes, such as contact, furnace, and thermal processes."

-Column 3, lines 60-66

The ink is useful for ejection from an ink jet recording head. Kubota et al. is unrelated in use or composition to the present claimed invention.

Babler discloses a stir-in pigment composition whose advantage is that it can be incorporated into an ink or paint system by simply stirring the pigment powder into the paint system (column 1, lines 23-24).

The Examiner asserts that Babler discloses "the use of 1-30 wt % inorganic pigment such as glass flake having average particle size of 0.5-10 mm (sic)" rather.

Babler discloses

"[t]he expression 'inorganic filler' means a substantially transparent inorganic pigment. For example, mica, kaolin, talc, wollastonite and natural or synthetic silica, e.g. glass, are well-known inorganic fillers that are suitable for use in pigment composition of the present invention. Talc, muscovite mica and kaolin are highly suitable inorganic fillers."

Transparent micas are especially suitable for use as an inorganic filler. Of the micas, muscovite, phlogopite, brookite and synthetic micas are most suitable.

The inorganic filler is preferably used in its natural form, but treated transparent or semitransparent inorganic filler pigments, for example a mica treated with a metal oxide, or talc treated with an organic aliphatic compound, such as a long chain aliphatic acid may also be employed. In general, the inorganic filler consists of primary filler particles having any geometric shape, but a flaked shape is preferred. Preferably the inorganic filler has an average particle size in the range of 0.5 to 10  $\mu\text{m}$  and a maximum particle size of below 20  $\mu\text{m}$ .

Typically the inorganic filler is used in a concentration of 1 to 30 percent based on the weight of the pigment.

-Column 5, lines 13-35

The inorganic pigment of Babler et al (US 6,063,182) is "a substantially transparent inorganic pigment" (column 5; lines 13 to 14) like Babler et al. (US 5,554,217), the inorganic pigment of Babler et al. (US 5,554,217), the inorganic pigment of Babler et al. (US 6,063,182) is not a pigment as set forth in claims 1, 3, 5, 7, 9, 11, 15 to 18, and 20 of the present invention.

Therefore, there is no motivation in Babler et al. (US 6,063,182) to combine it with Kubota et al. (US 6,039,796).

E. Paragraph 15 – Claims 13 and 21 As Being Obvious Over Kubota et al. (U.S. Patent 6,039,796) in view of Babler (U.S. Patent 6,063,182) Further in View of Whysmuzis (U.S. Patent 5,714,526).

The Examiner asserts that the difference between Kubota et al. in view of Babler and the present claimed invention of claims 13 and 21 is the requirement in the claims of the opacifying pigment (allegedly disclosed in the tertiary reference of Whysmuzis).



As previously stated in paragraph 3.D., Kubota et al. taken in view of Babler do not disclose, suggest or motivate the claimed invention of claims 1, 3, 5, 7, 9, 11, 15-18 and 20, much less claims 13 and 21.

As described above, the glass flake of Babler et al. (US 6,063,182) is not the pigment set forth in claims of the present application which realizes a glitter like stardust in a written mark.

Therefore, even though there may be a description relating to opacifying pigments in Whyzmuzis, it cannot be said that the ink set forth in the claims would be obvious from the said citation because claims 13 and 21 set forth the ink based on the claim 1.

F. Paragraph 16 – Claims 19 As Being Obvious Over Kubota et al. (U.S. Patent 6,039,796) in view of Babler (U.S. Patent 6,063,182) Further in View of Morita et al. (U.S. Patent 6,099,629).

The Examiner asserts that the difference between Kubota et al. in view of Babler and the present claimed invention of claim 9 is the requirement in the claims of the minimum film forming temperature of the resin emulsion (allegedly disclosed in the tertiary reference of Morita et al.)

As previously stated in paragraph 3.D., Kubota et al. taken in view of Babler do not disclose, suggest or motivate the present claimed invention of claims 1, 3, 5, 7, 9, 11, 15-18 and 20, much less claim 19.

As described above, the glass flake of Babler et al. (US 6,063,182) is not a pigment as set forth in claims of the present application. In addition, also as described

above, there is no description in Kubota et al. of a glass flake coated with a metal as set forth in claims of the present application.

Therefore, even though a resin emulsion whose film forming temperature is below 5°C may be disclosed in Morita (U.S. 6,099,629), it cannot be said that the ink set forth in claim 19 would be obvious from the said citation because claim 19 sets forth an ink composition based on the claim 1.

### **CONCLUSION**

Claim 18 has been rejected for lack of antecedent basis. Applicants have amended claim 18 to remove the issue.

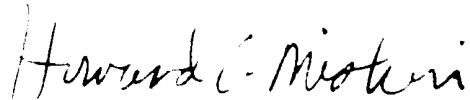
The claimed invention of the present application is an aqueous glittering ink composition, that is, an ink composition that glitters in all that that term means. ("many quick small flashes of brilliant light"... or small scattered rapidly appearing and disappearing points of light or "stabbing rays of light" or "twinkling points of light" or "quick intermittent rapidly successive points of intense light".)

Claims 2, 4, 6, 8, 10, 12, 14 and 21 have only been rejected as being anticipated by various cited U.S. and Japanese Patents. Anticipation requires that each element recited in the claim be found in a single citation. However, the disclosure of each of these cited patents does not disclose a metal-coated inorganic pigment, a claim element. Therefore, the cited patents do not support anticipation, and claims 2, 4, 6, 8, 10, 12, 14 and 21 are allowable.

Claims 1, 3, 5, 7, 9, 11, 13 and 15-20 have been rejected as obvious. However, a careful analysis of the disclosure of each cited patent indicates that, even taken in combination, they do not support a finding of obviousness.

In view of the foregoing amendments and remarks, reconsideration of the application and its allowance are respectfully requested.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Howard C. Miskin". The signature is written in dark ink and is positioned above the printed name and address.

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